

CITY OF AUSTIN  
APPLICATION TO BOARD OF ADJUSTMENT  
GENERAL VARIANCE/PARKING VARIANCE

C15-2013-0051  
ROW-10948219  
TR-014227-05-04

**WARNING: Filing of this appeal stops all affected construction activity.**

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED  
INFORMATION COMPLETED.

STREET ADDRESS: 8601 Bell Mountain Dr.

LEGAL DESCRIPTION: Subdivision - Long Canyon Phs 1-b

Lot(s) 13 Block C Outlot \_\_\_\_\_ Division \_\_\_\_\_

I/We David Paratore on behalf of myself/ourselves as authorized agent for  
Myself affirm that on April, 2013

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☐ ERECT ☐ ATTACH ☐ COMPLETE ☐ REMODEL ☒ MAINTAIN

Stairs and landing on north side of property which is

within the RR side lot setback of 10'

in a RR district.  
(zoning district)

**NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.**

1. The zoning regulations applicable to the property do not allow for a reasonable use because:  
of the steep and boulderous terrain

### **HARDSHIP:**

2. (a) The hardship for which the variance is requested is unique to the property in that:

This area of the property is very steep and there are huge boulders limiting the placement of footings and structural.

- (b) The hardship is not general to the area in which the property is located because:

The front of the property is fairly flat. Its the back and side that get steep and boulderous because of the canyon.

### **AREA CHARACTER:**

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

It is so steep and boulderous. There is still access to this area.

### **PARKING:** (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

**NOTE:** The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

**APPLICANT CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 1509 Earle St.

City, State & Zip San Marcos, Tx. 78666

Printed Damian Englehart Phone 210-273-4825 Date 4-1-13

**OWNERS CERTIFICATE** - I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 8601 Bell Mountain Dr.

City, State & Zip Austin, Tx. 78730

Printed David Paratore Phone 512-695-9726 Date 4-1-13

8601 Bell Mountain  
Top Looking down

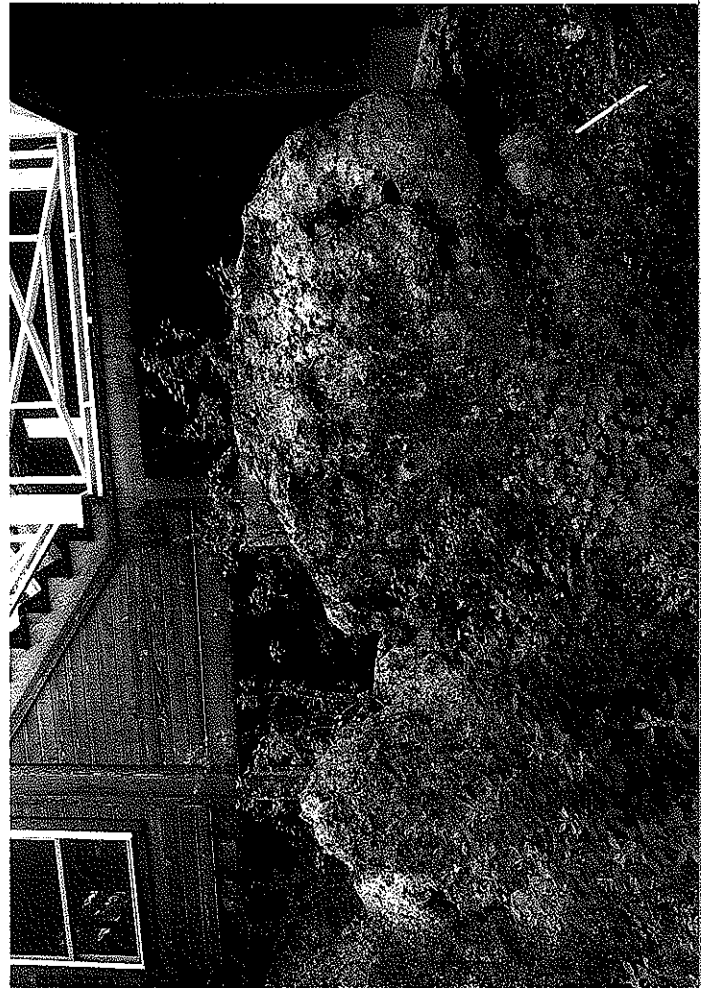




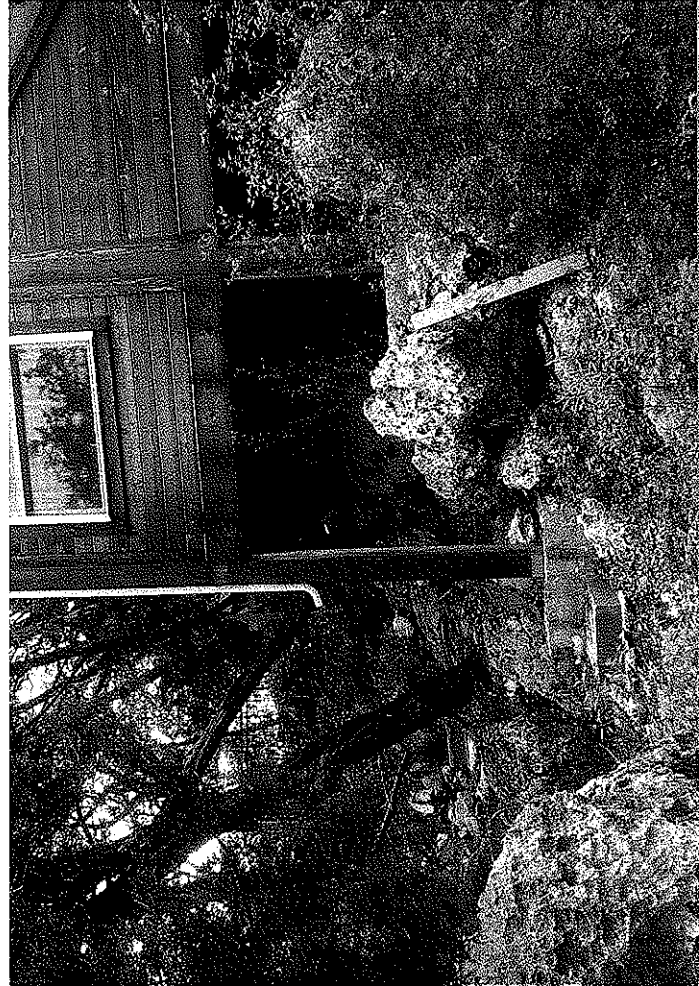
8661 Bell Mountain  
Looking off Landing  
placed to subdue noise  
of neighbors Pool equip

\* Note: Neighbors gas  
Tank + pool also within  
easement

8601 Bell Mountain  
steep Boulders terrain  
Limiting Placement



8601 Bell Mountain  
steep, Boulderous Terrain  
Limiting Placement



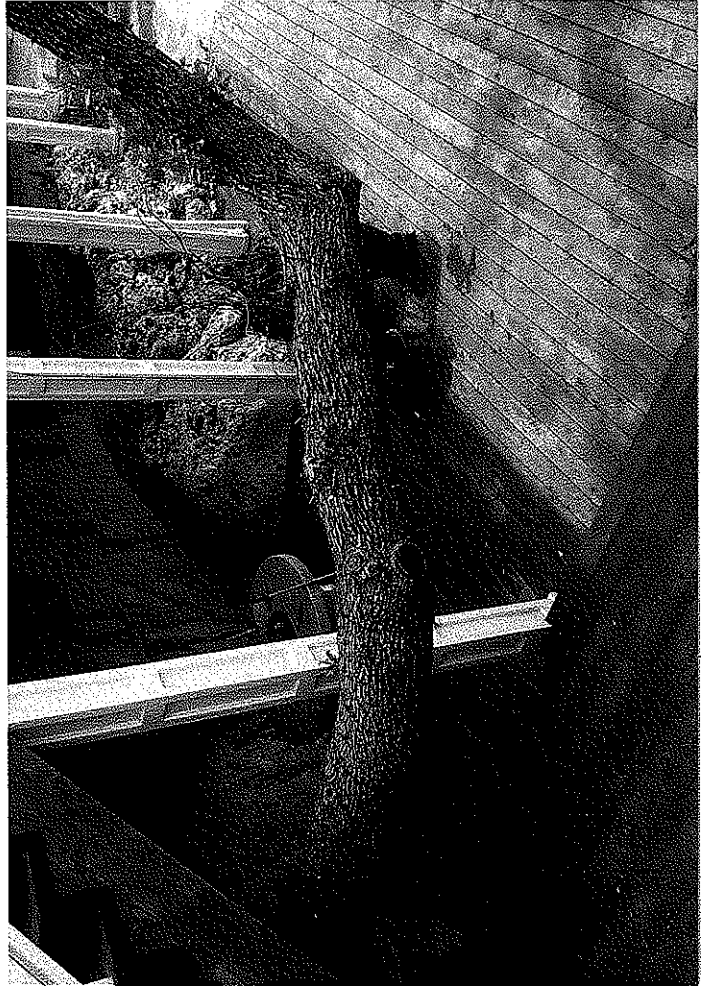
8601 Bell Mountain  
Top Looking down





8601 Bell Mountain

Tree saved By Placement



LEGEND

By \_\_\_\_\_ Date \_\_\_\_\_

**CITY OF AUSTIN**  
**APPROVED FOR PERMIT**  
**Geog Quensey**  
**Planning and Development Review Department**

The granting of a permit for, or approval of, a building, and the issuance of a building permit, by or on behalf of the City of Austin, is subject to the current specifications and conditions of any of the codes for the current specifications, any violation of any of the codes of the City of Austin, and any zoning code or any other ordinance of the City of Austin.

REVIEWED FOR ZONING ONLY

51°43'10" W 52°42'11" S  
51°45'00" W 52°4'55" S

scale 1" = 40'

Subject to Restrictions as Stated in V. 7418, P. 285; V. 7848, P. 55; & Per Plat in V. 871, P. 10.

Elec. Esmt. as stated in V. 2179 P. 427, V. 2516 P. 124, V. 2545 P. 22 Do not affect lot 13.

Subject to a Blomket-type Cable Services Esmt. as Stated in V. 8200, P. 356.

LINE	BOOK	C	STATION	LONG CANTON PHASE 1-B
13				
SECTION		PHASE	YOUNG	81
				10
OWNER	TRAMS	SITE OF 1006	STREET ADDRESS	6801 BELL MOUNTAIN DRIVE
DATE	AUGUST	APPROX. PWC		CYRUS MOHAMMADZADEH & AFSAER EIKAVANI

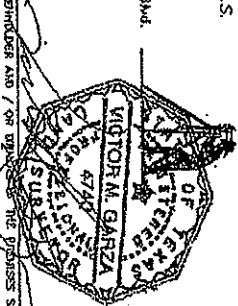
B&G Surveying, Inc.  
Victor M. Garza R.F.L.S.  
Office 512/458-8969  
Fax 512/458-9876  
1404 West North Loop Blvd.  
Austin, Texas 78756

DATE 10/4/98  
TITLE CO. PROJECT NAME  
CITY, ST 88-5883  
JOB NO. PROJECT  
SHEET 1-40

1 of 1  
Ground  
Improvement  
earthfill  
on the

TO THE CEDARHURST

11



This certification is for insurance purposes only and is not a guarantee that this property will or will not flood.

CONTACT YOUR LOCAL FLOODPLAIN ADMINISTRATOR FOR THE CURRENT STATUS OF THIS PROJECT.

DATE: 06/16/03

SIGNATURE: \_\_\_\_\_  
TITLE: \_\_\_\_\_

DATE	10/14/98
TITLE	PROPERTY SALE
CDR #	98-58183
DCR #	980968, 15
SCD#	1-401

I do hereby certify that the survey and the plat made on the  
 ground of the property largely described herein and that there  
 is no boundary line conflict, outstanding development of  
 improvements, or roads in gross, survey or shown herein, are  
 entirely true to the legal description (or boundaries) shown  
 on the attached (or) corresponding

FIELD WORK	DATE	10/13
DRAFTING	DATE	10/14
FINAL CHECK		
COORDINATOR		
UP DATE		

[illegible]

## Walker, Susan

---

**From:** Richard Stone [REDACTED]  
**Sent:** Saturday, May 25, 2013 9:46 AM  
**To:** Walker, Susan  
**Cc:** Long Canyon HOA  
**Subject:** File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

City of Austin  
Board of Adjustment

Gentlemen:

I am sending this email in COMPLETE OPPOSITION to any variance or special exception being granted regarding the property referenced above.

This property is located in Long Canyon community, Phase I. I live in Long Canyon and I am on the Architectural Control Committee (ACC). The duties of the ACC are to receive, consider, and act on all proposals, complaints, requests for determination, development plans and all other matters to preserve the natural beauty of the community and to protect property values.

The improvements/modifications pursuant to 8601 Bell Mountain were made without permission, permits or regard to the applicable rules and requirements, both City of Austin (City) and Long Canyon community. Those involved seem to have established a pattern of wanton disregard for the City, their neighbors and community. In reviewing the file on this case, you, the Board, can see how the matter reached this critical point and your decision should be clear.

To approve any variance or special exception for 8601 Bell Mountain would be a complete disgrace and encourage others to take the attitude and position to ask for forgiveness rather than permission. You, the Board, must hold people accountable for their actions and DENY ANY VARIANCE or special exception on this matter before you.

Respectively submitted,

Richard Long Stone  
[REDACTED]  
[REDACTED]

Sent from my iPad

**Walker, Susan**

---

**From:** Richard Stone [REDACTED]  
**Sent:** Sunday, May 26, 2013 9:22 PM  
**To:** Walker, Susan  
**Subject:** File C15-2013-0051. 8601 Bell Mountain Dr., Austin, TX 78730

City of Austin  
Board of Adjustment

To Whom it May Concern:

I am a resident of Long Canyon community, in which the property referenced above is also located.

The property owner has applied for a variance for which I am **STRONGLY OPPOSED**. The construction and modifications were started by the owner without first applying for the required City of Austin (City) and Long Canyon HOA permits. In fact, there is a history of complete disregard for the permitting process at this property.

The Board **SHOULD NOT** grant a variance because of the following:

- (a) The zoning regulations applicable to the property **DO** allow for a reasonable use.
- (b) The hardship for which the variance is requested is **NOT** unique to the property and general to the area in which the property is located.
- (c) The variance **WILL** alter the character of the area adjacent to the property, **WILL** impair the use of adjacent conforming property, and **WILL** impair the purpose of regulations to the zoning district in which the property is located.
- (d) Willful disregard for, or ignorance of the City of Austin ordinances and permitting requirements is **NOT** justification for granting a variance.

Previous homeowners were able to utilize the property within the applicable setbacks. The lot is not significantly different from the others that back into the canyon on the same side of Bell Mountain Dr. Also, the construction has reduced the privacy of the adjoining property and probably lowered its value.

Board, this request for a variance clearly **DOES NOT** meet the minimum standards/requirements **YOU HAVE SET** for its granting.

Respectively,

Richard Long Stone  
[REDACTED]  
[REDACTED]

Sent from my iPad

**Walker, Susan**

---

**From:** Jefferson A Rampy [REDACTED]  
**Sent:** Saturday, May 25, 2013 3:17 PM  
**To:** Walker, Susan  
**Cc:** Long Canyon HOA; Long Canyon ACC  
**Subject:** File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

re: File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

To Whom it May Concern -

I am a resident in Long Canyon, the above referenced subdivision. I want to express my **strong opposition** to the variance requested by the owner at the referenced address.

For the last 3 years or more this owner has demonstrated callous disregard for his neighbors and Association's governance. He has been the subject of considerable attention on the part of our Architectural Control Committee, but never complied or even negotiated in good faith.

His encroachment into the buffer area is egregious and a significant burden on the affected neighbor. To allow the variance would be a signal to all homeowners in the Association that our building rules are meaningless. Property values would be negatively affected.

Please deny the application for variance.

Jefferson A. Rampy [REDACTED]

**Walker, Susan**

---

**From:** Jefferson A Rampy <[REDACTED]>  
**Sent:** Tuesday, May 28, 2013 2:09 PM  
**To:** Walker, Susan  
**Cc:** Long Canyon HOA; Long Canyon ACC; Leslie McMaster  
**Subject:** File C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

Regarding C15-2013-0051, 8601 Bell Mountain Dr., Austin 78730

To the Board of Adjustment -

Speaking on behalf of the Board of Directors of the Long Canyon Homeowner Association Phase 1, we strongly oppose the variance requested by the owner of the property at 8601 Bell Mountain Drive.

As I read the criteria by which requests for variance are evaluated I find the following:

a) ... reasonable use ...

There are 144 lots in our subdivision and, to my knowledge, no other lots have needed such a variance. All have been able to develop their lots within the guidelines in place when they - including the owner of the subject property - purchased their property.

b) ... hardship ...

The subject property is similar in character to dozens of lots nearby and elsewhere in the subdivision. There are no special conditions on that lot other than those created by the development plan undertaken by current owner.

c) ... impair the use of adjacent conforming property ...

A buffer of vegetation is now gone. The height of the structure and its proximity to the property line eliminate the privacy previously enjoyed by the adjacent property owner.

Again, The Board of Directors strongly opposes this request for variance. Please feel free to contact me as needed.

---

Jefferson A Rampy, President  
Long Canyon Homeowners Association, Phase 1  
e: [REDACTED] c: 512.554.9692